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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,376	05/30/2001	Jeffrey P. Bodner	279.368US1	7232

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EXAMINER

OROPEZA, FRANCES P

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/870,376

Applicant(s)

BODNER, JEFFREY P.

Examiner

Frances P. Oropeza

Art Unit

3762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-29.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ANGELA D. SYKES

SUPERVISORY PATENT EXAMINER

Frances P. Oropeza
Art Unit 3762 8403

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant's arguments filed 6/25/03 have been fully considered but they are not convincing.

In response to the Applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. Helland et al. teach the two conductor configuration (figure 6), Doan teaches multifilar conductor construction (col. 2 @ 22) and the insulation of the multifilar construction on the outer filar surface (col. 2 @ 42), and Altman et al. teach materials of construction for leads (col. 2 @ 34-36; col. 4 @ 25-32; col. 7 @ 11-16).

As to the argument of no motivation to combine the Helland et al. and Doan references:

- as stated in the rejection relative to the filars, the references are combined so a material of known performance for the conductor with known performance relative to the associated insulation can be used to gain beneficial torque characteristics that optimize the lead (Doan - col 2 @ 17-26 and 39-48), and
- as stated in the rejection relative to the insulation, the references are combined so the insulation provides increased lead flexibility to enable lead placement and so the torque is reduced minimizing damage to the lead (Doan - abstract; col. 2 @ 17-26; col. 4 @ 5-10).

As as to the obvious design choice rationale, the Examiner has reviewed the grounds of rejection and finds the invention as a whole would have been obvious. As to insufficient motivation to combine the Helland et al. , Doan and Altman et al. references, as stated in the rejection, polyurethane and polyamide are taught as known functional equivalents that effectively insulate so electrical signals can be accurately sensed and delivered (Altman et al. - col. 1 @ 8-10; col. 2 @ 35-39) and heat-shrunk PTFE/ ETFE insulation is taught to reduce residual stress in the coating (Altman et al. - col. 2 @ 59-64; col. 3 @ 26-42; col. 7 @ 11-16).

The rejections of record stand.

HO
8/4/03